

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, LOCAL)	
150, AFL-CIO,)	
)	CIVIL ACTION
)	
Plaintiff,)	NO. 07 C 6938
vs.)	
)	
PRAIRIE ROCK EXCAVATING,)	JUDGE MANNING
L.L.C.)	MAGISTRATE JUDGE COLE
)	
Defendant.)	

MOTION FOR EXTENSION OF TIME FOR SERVICE OF PROCESS

NOW COMES Plaintiff, International Union of Operating Engineers, Local 150, AFL-CIO, by and through its attorneys, to request additional time for service of process. In support of its Motion, Plaintiff states as follows:

1. Plaintiff filed a Complaint on December 10, 2007 to enforce an arbitration award pursuant to 29 U.S.C. §185, alleging that Defendant Prairie Rock Excavating Inc. failed to comply with a Joint Grievance Committee award in violation of the applicable collective bargaining agreement.

2. Defendant's Registered Agent is Joe A. Baldo ("Baldo") located at 4345 DiPaolo Center, Glenview, Illinois. Baldo is also President of Defendant.

3. On three occasions prior to January 15, 2008, Plaintiff attempted to serve a summons and complaint upon Baldo at 4345 DiPaolo Center, Glenview, Illinois, but no one was present at that location. (2/27/08 Correspondence from VTS Investigations, LLC attached hereto as Exhibit 1).

4. Plaintiff investigated and located an alternative address for Baldo and attempted

to effectuate service at this address, but was unsuccessful. (Affidavit of Service attached hereto as Exhibit 2).

5. Plaintiff investigated and located another alternative address for Baldo and intends to attempt service at this location.

6. On March 27, 2008, Plaintiff requested and received issuance of an alias summons.

7. Federal Rule of Civil Procedure 4(m) states the time limit for service of the summons and complaint is within 120 days of filing of the complaint, or by April 9, 2008 in the present matter. Rule 4(m) also states that the Court shall extend the time for service for an appropriate period if the plaintiff shows good cause for the failure of service.

8. As set forth above, Plaintiff made diligent inquiry into the location of Defendant and Defendant's Registered Agent; further, Plaintiff's reasonable efforts to effectuate service have been unsuccessful.

9. Plaintiff has shown good cause for the failure to serve Defendant and, therefore, requests an additional 120 days from April 9, 2008 to effectuate service of the summons and complaint on Defendant. (Draft Order attached as Exhibit 3).

WHEREFORE, Plaintiff respectfully requests that this Court extend the time for service of process 120 days, up to and including August 7, 2008.

By: s/Melissa L. Binetti
Attorney for the Plaintiff

Name and Address of Attorney for the Plaintiff:

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